

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-24126-CIV-WILLIAMS

AMERICAN CIVIL LIBERTIES UNION
OF FLORIDA, INC.,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

DEFENDANT'S UNOPPOSED MOTION FOR 45-DAY EXTENSION OF TIME TO
RESPOND TO COMPLAINT

Defendants, United States Department of Homeland Security and its component, Defendant United States Immigration and Customs Enforcement (ICE), hereby move for a 45-day extension of time to respond to the Complaint filed by Plaintiff, American Civil Liberties Union (ACLU), in this action. In support of this Motion, Defendant states:

1. Plaintiff filed this lawsuit on October 24, 2024.
2. Plaintiff seeks relief under the Freedom of Information Act, 5 U.S.C. §552 (FOIA), for an alleged failure on ICE's part to comply with FOIA with respect to three requests for information related to two individuals' detention in ICE custody at the Baker County Detention Center in Macclenny, Florida.
3. Pursuant to FOIA, Defendants' response to Plaintiff's Complaint is due Friday, November 29, 2024.
4. Defendant ICE is working to satisfy Plaintiff's FOIA requests without the need for further litigation. To that end, the agency has searched for and gathered records potentially responsive to the three requests at issue and is processing the same for release of non-exempt responsive material to Plaintiff as promptly as possible.

5. In addition to documents, the agency has gathered potentially responsive videos which require redaction of content that is exempt from disclosure under FOIA. The potentially exempt content includes, but may not be limited to, private identifying information of third parties. The process of redacting this content from videos is time consuming and ICE's capabilities for performing this work are limited.

6. For the foregoing reasons, ICE will not complete its work with respect to the subject FOIA requests before its response to Plaintiff's Complaint is due in this action.

7. Given that satisfaction of Plaintiffs' FOIA requests will render this lawsuit moot, Defendants respectfully move for an extension of the response deadline, to allow Defendant ICE to complete its work on the underlying FOIA requests.

8. On November 26, 2024, the undersigned counsel for Defendants conferred with Mr. James Slater, counsel for Plaintiff, about the relief requested herein. Mr. Slater has graciously allowed the undersigned to represent to the Court that Plaintiff does not oppose the extension requested.

WHEREFORE, Defendants move for a 45-day extension of time, through Monday, January 13, 2025, to respond to Plaintiff's Complaint in this action. A proposed Order granting such relief is attached.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

s/ Carlos Raurell
ASSISTANT U.S. ATTORNEY
99 N.E. 4th Street, 3rd Floor
Miami, Florida 33132
Tel: (305) 961-9243
Fla. Bar No. 529893
Email: carlos.raurell@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-24126-CIV-WILLIAMS

AMERICAN CIVIL LIBERTIES UNION
OF FLORIDA, INC.,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

_____ /

ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR 45-DAY EXTENSION
OF TIME TO RESPOND TO COMPLAINT

This matter is before the Court on Defendants' Unopposed Motion for a 45-day Extension of Time to Respond to Plaintiff's Complaint. The Court has considered the matter and is duly advised in the premises. It is hereby

ORDERED that the Motion is GRANTED. Defendants shall respond to the Complaint on or before January 13, 2025.

DONE AND ORDERED in Chambers, Miami, Florida this ____ day of _____, 2024.

KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE